

\AO 91 (Rev. 11/11) Criminal Complaint (Rev. by USAO on 3/12/20)

☐ Original ☐ Duplicate Original

UNITED STATES DISTRICT COURT

for the

Central District of California



United States of America

v.

PHILIP MIDDLETON

Defendant

Case No. 2:24-mj-01025-DUTY

**CRIMINAL COMPLAINT BY TELEPHONE
OR OTHER RELIABLE ELECTRONIC MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of January 23, 2024, in the county of Los Angeles in the Central District of California, the defendant violated:

Code Section

18 U.S.C. § 922(g)(1)

Offense Description

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

Please see attached affidavit.

☒ Continued on the attached sheet.

/s/ Michael Monteviodoni

Complainant's signature

Michael Monteviodoni, ATF Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: February 26, 2024

Judge's signature

City and state: Los Angeles, California

U.S. Magistrate Judge Pedro V. Castillo

Printed name and title

AUSA: Joseph De Leon x7280

AFFIDAVIT

I, Michael Montevidoni, being duly sworn, declare and state as follows:

PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant against Philip MIDDLETON ("MIDDLETON") for a violation of 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm.

2. The facts set forth in this affidavit are based upon my personal observations; my training and experience; and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

BACKGROUND OF ATF SPECIAL AGENT MICHAEL MONTEVIDONI

3. I am a Special Agent ("SA") with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF"), and have been so employed since July 2015. I am currently assigned to the Los Angeles Field Division. I have completed the 12-week Criminal Investigator Training Program and the 12-week Special Agent Basic Training at the

Federal Law Enforcement Training Center ("FLETC") in Glynco, Georgia.

4. I have also received specialized training while attending the academies at FLETC concerning violations of the Gun Control Act within Title 18 of the United States Code and violations of the Controlled Substance Act within Title 21 of the United States Code. That specialized training covered topics such as surveillance, interviewing, warrant writing, evidence handling, arrest procedures, search procedures, and testifying in court.

5. Since July 2015, I have actively participated in a high volume of cases involving prohibited persons possessing firearms, persons trafficking firearms and controlled substances, persons possessing illegal firearms, and persons affiliated with gang activity. I have also interviewed confidential informants, witnesses, cooperating defendants, criminal defendants, and other persons engaged in violations of federal law.

SUMMARY OF PROBABLE CAUSE

6. On January 23, 2024, Los Angeles Police Department ("LAPD") officers conducted patrol in an area of Los Angeles, California when they observed an individual, later identified as MIDDLETON, enter a gold BMW (the "BMW") that was illegally parked on the sidewalk in violation of California Vehicle Code Section 22500. LAPD officers stopped their police vehicle next to the BMW and observed MIDDLETON make furtive movements towards the center console inside the BMW and attempt to conceal unknown

items. LAPD officers then observed MIDDLETON quickly exit the BMW and walk away. LAPD officers exited their police vehicle and one officer looked into the driver's side window of the BMW and observed, in plain view, the magazine and handle of a firearm between the front driver's seat and center console.

7. An LAPD officer then entered the BMW and recovered the aforementioned firearm, later identified as a Glock, Model 17, 9mm pistol bearing serial number AAR427, loaded with sixteen rounds of 9mm ammunition.

8. A review of MIDDLETON's criminal history and certified conviction documents revealed that MIDDLETON has multiple prior felony convictions, including convictions for evading a peace officer and robbery.

STATEMENT OF PROBABLE CAUSE

9. Based on my review of law enforcement reports, conversations with other law enforcement agents, law enforcement body-camera footage, and my own knowledge of the investigation, I am aware of the following:

A. MIDDLETON is arrested with a firearm and sixteen rounds of ammunition in his possession.

10. I know, from reviewing law enforcement reports and law enforcement body-camera footage, that on January 23, 2024, LAPD officers, in uniform and driving a marked police vehicle, conducted patrol in the area of Florence Avenue and Raymond Avenue in Los Angeles, California when they observed a BMW

illegally parked on the sidewalk, in violation of California Vehicle Code Section 22500. LAPD officers also observed an individual, later identified as MIDDLETON, standing at the driver's side door of the illegally parked BMW. As MIDDLETON observed the LAPD officers' presence, LAPD officers observed MIDDLETON quickly enter the vehicle and make furtive movements toward the center console, which based on the LAPD officers' training and experience, appeared to be an attempt to conceal contraband. LAPD officers then observed MIDDLETON quickly exit the BMW and begin to distance himself from the BMW by walking away. LAPD officers exited their vehicle in order to speak with MIDDLETON regarding the traffic violation and for the furtive movements inside the BMW.

11. As LAPD officers approached the BMW, an LAPD officer illuminated the area where MIDDLETON was making furtive movements and observed, in plain view, the magazine and handle of a black firearm between the front driver's seat and the center console. At this time, LAPD officers detained MIDDLETON pending a firearms investigation.

12. An LAPD officer entered the BMW and recovered the black firearm, later identified as a Glock, Model 17, 9mm pistol bearing serial number AAR427, loaded with sixteen rounds of 9mm ammunition, from between the front driver's seat and the center console. MIDDLETON was then arrested for having a concealed firearm in a vehicle in violation of California Penal Code Section 25400 (a)(1).

13. While MIDDLETON was detained, MIDDLETON told another individual who was nearby that he had his firearm on him. An LAPD officer then asked MIDDLETON if the gun was his to which MIDDLETON said that it was.

14. An LAPD officer then put MIDDLETON in the back of the police vehicle. MIDDLETON then placed a call to someone and told them that he got caught with his "strap" and that he was being taken to jail. While in transport to the LAPD 77th station, an LAPD officer advised MIDDLETON of his Miranda Rights, which MIDDLETON acknowledged. An LAPD officer spoke to MIDDLETON about the firearm, and MIDDLETON admitted that he was recently shot at in West Los Angeles and that he carries the firearm for protection because of the area.

B. MIDDLETON's Criminal History

15. On February 22, 2024, I obtained and reviewed certified conviction documents for MIDDLETON and learned that MIDDLETON has previously been convicted of the following felony crimes punishable by a term of imprisonment exceeding one year including:

a. Evading a peace officer, in violation of California Vehicle Code Section 2800.2, in the Superior Court for the State of California, County of Los Angeles, Case Number BA47937801, on or about November 7, 2019.

b. Robbery, in violation of California Penal Code Section 211, in the Superior Court for the State of California,

County of Los Angeles, Case Number BA47128101, on or about November 7, 2019.

c. Evading a peace officer, in violation of California Vehicle Code Section 2800.2 in the Superior Court for the State of California, County of Los Angeles, Case Number BA43147301, on or about September 11, 2015.

C. Interstate Nexus

16. Based on my conversation with other law enforcement agents, I know that on February 22, 2024, an ATF Interstate Nexus Expert reviewed photographs of the firearm, a Glock Model 17, 9mm caliber pistol bearing serial number AAR427, and the sixteen rounds of 9mm ammunition recovered from the BMW that MIDDLETON got in and got out of. Specifically, the ATF Interstate Nexus Expert's analysis confirmed the firearm and the ammunition were manufactured outside of the State of California. Because this firearm and ammunition were recovered in California, there is probable cause to believe that the firearm and ammunition moved in and affected interstate commerce.

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CONCLUSION

17. For all of the reasons described above, there is probable cause to believe that MIDDLETON has committed a violation of 18 U.S.C. § 922(g)(1): Felon in Possession of a Firearm.

Attested to by the applicant in
accordance with the requirements
of Fed. R. Crim. P. 4.1 by
telephone on this 26th day of
February, 2024.

A handwritten signature in black ink, appearing to read "Pedro V. Castillo", written over a horizontal line.

HON. PEDRO V. CASTILLO
UNITED STATES MAGISTRATE JUDGE